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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 CYBER APPS WORLD, INC., a Nevada
10 Corporation,

11 Plaintiff,

12 v.

13 EMA FINANCIAL, LLC, a Delaware Limited
14 Liability Company; and DOES 1 – 25, inclusive,

15 Defendants.
16

CASE NO.:

**NOTICE OF REMOVAL OF ACTION
FROM THE EIGHTH JUDICIAL
DISTRICT COURT, CLARK COUNTY,
NEVADA, TO THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT
OF NEVADA, PURSUANT TO 28 U.S.C.
§§ 1332, 1441 AND 1446**

17
18 **TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE**
19 **DISTRICT OF NEVADA**

20 Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant EMA FINANCIAL, LLC
21 (“Defendant”), hereby files this Notice of Removal of the state court action filed in the Eighth
22 Judicial District Court, Clark County, Nevada, Case No. A-21-836005-B (“State Court Action”)
23 to the United States District Court for the District of Nevada, and in support thereof states the
24 following grounds for removal:

25 1. On June 9, 2021, Plaintiff CYBER APPS WORLD, INC., a Nevada Corporation
26 (“Plaintiff”), filed a Complaint against Defendant in the State Court Action. A true and accurate
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1 copy of the Complaint is attached hereto as **Exhibit A**. The Complaint was delivered to Defendant
2 by a process server on June 16, 2021.

3 2. Pursuant to 28 U.S.C. § 1441(a), a defendant may remove “any civil action brought
4 in a State court of which the district courts of the United States have original jurisdiction.”

5 3. Pursuant to 28 U.S.C. § 1332(a), “district courts shall have original jurisdiction of
6 all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of
7 interest and costs, and is between . . . citizens of different States”

8 **Diversity of Citizenship**

9 4. As alleged in the Complaint, Plaintiff is incorporated in the State of Nevada and its
10 apparent principal place of business is in the State of Nevada, such that Plaintiff is a citizen of the
11 State of Nevada. *See* Complaint, at ¶ 3.

12 5. Defendant is a Delaware Limited Liability Company. The only members of
13 Defendant are Felicia Preston and EMA Group, LLC. The only member of EMA Group, LLC is
14 Felicia Preston. Felicia Preston resides in the State of New York. Therefore, Defendant is a citizen
15 of the State of New York.

16 6. Thus, pursuant to 28 U.S.C. § 1332(a), the parties to the State Court Action are
17 citizens of different States.

18 **Amount in Controversy**

19 7. In the Complaint, Plaintiff alleges that “[a]s a result of Defendants EMA Financial’s
20 wrongful conduct, [Plaintiff] suffered money damages, including a market capitalization decrease
21 of \$15,256,438, the exact amount of which it will prove at trial.” *See* Complaint, at ¶ 46.

22 8. Thus, pursuant to 28 U.S.C. § 1332(a), the amount in controversy exceeds the sum
23 or value of \$75,000, exclusive of interest and costs.

24 **Timing**

25 9. The thirty (30) day time limit to remove a matter to federal court as established by
26 28 U.S.C. § 1446(b) commences upon the defendant being notified of the action and brought under
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1 a court's authority through "formal process." Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.,
2 526 U.S. 344, 347-48 (1999).

3 10. Thus, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as it is
4 filed with thirty (30) days of service, which occurred on June 16, 2021.

5 CONCLUSION

6 11. Based on the foregoing, this action is a civil action of which the United States
7 District Court for the District of Nevada has original jurisdiction under 28 U.S.C. § 1332 and is
8 one which may be removed to this Court by the Defendant pursuant to the provisions of 28 U.S.C.
9 §§ 1441 and 1446.

10 12. Defendant voluntarily appears in this action for purposes of removal, but reserves
11 all objections, arguments, and defenses to Plaintiff's Complaint. Thus, this Notice of Removal is
12 filed subject to and with reservation of rights by Defendant, including, but not limited to, defenses
13 and objections to venue, improper service of process, personal jurisdiction, failure to state a claim,
14 and any other defenses Defendant might pursue through motion or pleading. A responsive
15 pleading or motion will be filed in accordance with Rule 81 of the Federal Rules of Civil
16 Procedure.

17 13. A copy of the following documents filed in the State Court Action are attached
18 hereto: Complaint (**Exhibit A**); Initial Appearance Fee Disclosure (**Exhibit B**); Summons
19 (**Exhibit C**); Clerk's Notice of Nonconforming Document (**Exhibit D**); Affidavit of Service
20 (**Exhibit E**); and docket for State Court Action (**Exhibit F**).

21 14. The process and pleadings that have been served on Defendant are the
22 aforementioned State Court filings attached as Exhibits A and C. Accordingly, copies of all
23 processes, pleadings, and orders served upon Defendant have been attached to this Notice of
24 Removal.

25 15. Defendant will promptly file a copy of this Notice of Removal with the Eighth
26 Judicial District Court, Clark County, Nevada, and will promptly serve same on counsel for
27 Plaintiffs, pursuant to 28 U.S.C. § 1446(d).
28

INDEX OF EXHIBITS

EXHIBIT A Complaint

EXHIBIT B Initial Appearance Fee Disclosure

EXHIBIT C Summons

EXHIBIT D Clerk's Notice of Nonconforming Document

EXHIBIT E Affidavit of Service

EXHIBIT F Docket for State Court Action

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that on the 25th day of June, 2021, I caused the document entitled **NOTICE OF REMOVAL OF ACTION FROM THE EIGHTH JUDICIAL DISTRICT COURT, CLARK COUNTY, NEVADA, TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA, PURSUANT TO 28 U.S.C. §§ 1332, 1441 AND 1446**, to be served as follows:

Attorneys of Record	Parties Represented	Method of Service
Rebecca A. Fuller, Esq. Fuller Law Practice, PC 500 N. Rainbow Blvd., Suite 300 Las Vegas, Nevada 89107 info@fullerlawpractice.com	Plaintiff	<input type="checkbox"/> Personal Service <input checked="" type="checkbox"/> Email/E-File <input type="checkbox"/> Fax Service <input checked="" type="checkbox"/> Mail Service

/s/ Olivia Swibies

An employee of Holley Driggs